

UNITED STATES OF AMERICA
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 4:15-CR-404 HEA
)
JOSE ALFREDO VELAZQUEZ,)
)
Defendant.)

TRANSCRIPT OF CHANGE OF PLEA HEARING

BEFORE THE HONORABLE HENRY E. AUTREY
UNITED STATES DISTRICT JUDGE

December 12, 2018

APPEARANCES:

For Plaintiff: Ms. Erin O. Granger
OFFICE OF U.S. ATTORNEY
111 S. 10th Street
20th Floor
St. Louis, MO 63102

For Defendant: Mr. Mark A. Hammer
THE HAMMER LAW FIRM
100 Chesterfield Business Parkway
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REPORTED BY: SUSAN R. MORAN, RMR, FCRR
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Proceedings recorded by mechanical stenography, produced by
computer-aided transcription.

1 (The following proceedings were held in open court
2 on December 12, 2018 at 11:41 a.m.):

3 THE COURT: Good morning. This is the matter of the
4 United States of America versus Jose Alfredo Velazquez, also
5 known as Jose Alfredo Velasquez-Cabazos and Jose Alfredo
6 Velasquez-Cavazos, Case No. 4:15-CR-404 HEA. The matter is
7 now before the Court on notice of change of plea. And the
8 parties have provided to the Court a document entitled Guilty
9 Plea Agreement, which consists of 19 pages.

10 Let the record further reflect that the defendant is
11 present now in open court with counsel, and the government is
12 present through counsel.

13 And, Mr. Hammer, on behalf of the defendant are you
14 ready to proceed?

15 MR. HAMMER: Yes, Your Honor.

16 THE COURT: Ms. Granger, on behalf of the United
17 States are you ready to proceed?

18 MS. GRANGER: Yes, Your Honor.

19 THE COURT: Is there an announcement, Mr. Hammer?

20 MR. HAMMER: Your Honor, do you want to swear the
21 interpreter first, is that necessary or --

22 THE COURT: I assume that you had sworn her in
23 already.

24 (Interpreter sworn.)

25 THE INTERPRETER: Kathleen O'Hanlon, Your Honor, for

1 the record.

2 THE COURT: Good to see you.

3 Mr. Hammer.

4 MR. HAMMER: Your Honor, on behalf of my client,
5 Mr. Velazquez, having had an opportunity to review the
6 discovery with my client and spoken to him about all of his
7 rights, occasioned by going to a jury trial in this case, it
8 is his decision today to withdraw his previous plea of not
9 guilty with respect to Count 3 of the fourth superseding
10 indictment and enter a guilty plea to that charge pursuant to
11 a Guilty Plea Agreement with the United States.

12 THE COURT: Very well. Will you swear in the
13 defendant.

14 (Defendant sworn.)

15 THE COURT: Very good. Will you state your full
16 name for the record, please.

17 THE DEFENDANT: Jose Alfredo Velazquez-Cabazos.

18 THE COURT: And did you hear the statement I made
19 when we started this proceeding?

20 THE DEFENDANT: Yes.

21 THE COURT: And is that a correct statement of why
22 we are in court today?

23 THE DEFENDANT: Yes, it is.

24 THE COURT: So then you understand that before I can
25 accept your plea of guilty, there are a series of questions I

1 have to ask you to be sure your plea is valid. So in that
2 regard if I say something and you don't hear me, let me know
3 and I will speak louder. If I say something and you don't
4 understand me, let me know and I will repeat it or rephrase
5 it. And if you need to speak with your lawyer at any time,
6 let me know that and I will give you that opportunity.

7 THE DEFENDANT: All right.

8 THE COURT: Also keep in mind that you've taken an
9 oath to answer all these questions truthfully, which means
10 your failure to do that could cause the government to come
11 back with a new indictment for perjury. Okay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Any questions about any of that?

14 THE DEFENDANT: No.

15 THE COURT: How old are you?

16 THE DEFENDANT: I'm going to be 58 next month.

17 THE COURT: And how far in school have you gone?

18 THE DEFENDANT: Six years.

19 THE COURT: Do you speak any English?

20 THE DEFENDANT: Very little.

21 THE COURT: Do you have any difficulty hearing?

22 THE DEFENDANT: No.

23 THE COURT: Have you taken any medication before
24 coming to court that might keep you from understanding what's
25 going on in court today?

1 THE DEFENDANT: No.

2 THE COURT: Have you used any alcohol or drugs
3 before coming to court today?

4 THE DEFENDANT: No.

5 THE COURT: Have you used any alcohol or drugs in
6 the last 36 hours?

7 THE DEFENDANT: No.

8 THE COURT: Have you ever been diagnosed as having
9 or treated for having any type of mental illness or mental
10 disease?

11 THE DEFENDANT: No.

12 THE COURT: Have you ever taken or used any type of
13 medication that might typically be used to treat mental
14 illness or mental disease?

15 THE DEFENDANT: No.

16 THE COURT: How are you feeling today?

17 THE DEFENDANT: Good.

18 THE COURT: In your own words tell me why you've
19 come to court today. What do you want to do about your case?

20 THE DEFENDANT: I want to plead guilty.

21 THE COURT: Do you know of any reason, Mr. Hammer,
22 why the Court should not conclude your client is competent to
23 proceed?

24 MR. HAMMER: No, Your Honor.

25 THE COURT: Ms. Granger?

1 MS. GRANGER: No, Your Honor.

2 THE COURT: Let the record then reflect that on the
3 examination of the defendant and upon inquiry of counsel, the
4 Court concludes defendant is competent to proceed at this
5 time. And having so concluded we'll proceed with its Local
6 Rule 13.05 inquiry.

7 (Pursuant to Rule 13.05, a conference was held and
8 placed under seal; after which the following proceedings
9 continued in open court:)

10 THE COURT: Having so done, Mr. Velazquez, have you
11 had time to talk with your lawyer regarding your case?

12 THE DEFENDANT: Yes.

13 THE COURT: And have you had sufficient time to talk
14 with your lawyer?

15 THE DEFENDANT: Yes.

16 THE COURT: Has your lawyer given you advice
17 regarding your case?

18 THE DEFENDANT: Yes.

19 THE COURT: Are you satisfied with all the advice
20 that he has given you?

21 THE DEFENDANT: Yes. Yes.

22 THE COURT: Has he answered all of your questions
23 fully, completely, and to your satisfaction?

24 THE DEFENDANT: Yes.

25 THE COURT: Are you satisfied with all of the advice

1 that he has given you?

2 THE DEFENDANT: Yes.

3 THE COURT: Were there any witnesses that you wanted
4 your lawyer to contact or that your lawyer should have
5 contacted but failed to contact for you?

6 THE DEFENDANT: No, nothing like that ever happened.

7 THE COURT: All right. Was there any investigation
8 that you wanted your lawyer to do or that your lawyer should
9 have done for you that he did not do?

10 THE DEFENDANT: No, everything -- everything that I
11 asked him to do he has done.

12 THE COURT: Very good. Was there any information
13 that you wanted your lawyer to acquire from the United States
14 or that he should have acquired from the United States, the
15 government, that he did not?

16 THE DEFENDANT: No, everything is okay.

17 THE COURT: Was there anything at all that you
18 wanted your lawyer to do for you that he failed to do or
19 refused to do?

20 THE DEFENDANT: No, everything is fine up until now.

21 THE COURT: All right. Do you have any complaints
22 against your attorney?

23 THE DEFENDANT: No.

24 THE COURT: Are you fully satisfied with all the
25 work that he's done for you?

1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand that when you
3 plead guilty today it means you're giving up your right to a
4 trial by jury?

5 THE DEFENDANT: Yes. Yes, that's correct.

6 THE COURT: Do you understand that the Constitution
7 and laws of this nation guarantees you the right to have your
8 case decided by a jury of 12 impartial citizens?

9 THE DEFENDANT: Yes, I do understand that, but I
10 don't want that.

11 THE COURT: All right. And did you talk about the
12 trial with your lawyer and whether you could have a trial or
13 not?

14 THE DEFENDANT: Yes.

15 THE COURT: And as a result of those discussions
16 with your lawyer regarding that particular aspect, is it
17 correct that you now want to give up your right to a trial by
18 jury and plead guilty here today?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand, though, that if you
21 did go to trial, you would be presumed innocent and it would
22 be the obligation of the United States to prove you guilty
23 beyond a reasonable doubt by competent evidence?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that you would not be

1 required to present any evidence to prove yourself innocent?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you also understand that if you were
4 to go to trial you would be able to confront any and all
5 witnesses that the government might have against you?

6 THE DEFENDANT: Yes.

7 THE COURT: And do you further understand then that
8 you would be able to cross-examine those witnesses as they
9 testified in open court, under oath, and in front of a jury?

10 THE DEFENDANT: Yes, I understand.

11 THE COURT: Do you also understand that if you went
12 to trial you would have the ability to object to any and all
13 evidence that the government might attempt to introduce
14 against you at the trial?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you further understand that if
17 you went to trial, if there was some evidence that you wanted
18 to present in your own defense you would have the right to do
19 that, but the law does not require you to present any
20 evidence for any purpose?

21 THE DEFENDANT: Yes. I do understand, yes.

22 THE COURT: Do you also understand that if you went
23 to trial you would have the right to testify or not testify?
24 It would be your choice.

25 THE DEFENDANT: Yes.

1 THE COURT: And if you decided that you did not want
2 to testify at the trial, the fact that you did not testify
3 could not be used by anyone for any purpose.

4 THE DEFENDANT: Yes, I do understand.

5 THE COURT: Do you have any questions so far?

6 THE DEFENDANT: No, none.

7 THE COURT: And do you understand that if you go
8 forward with your plea of guilty today, and if I accept your
9 plea of guilty, I will enter a judgment finding you guilty
10 beyond a reasonable doubt and impose a sentence on some
11 future date?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand further that whatever
14 sentence I impose is entirely up to me?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: And do you also understand that that's
17 true even though you might have some agreement between you
18 and the United States regarding sentencing?

19 THE DEFENDANT: Yes.

20 THE COURT: And, finally, do you understand that
21 when you plead guilty today it means you're giving up your
22 right to not incriminate yourself under the Fifth Amendment
23 of the Constitution of the United States because you will
24 have to admit the facts that establish the basis for the
25 crime as well as admit the crime itself?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And is that what you want to do today?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. In relation to the charge
5 that brings you here today, have you had the opportunity to
6 review the fourth superseding indictment with your lawyer and
7 talk about it?

8 THE DEFENDANT: Yes.

9 THE COURT: And as a result of that review and
10 discussion, are you satisfied that you understand everything
11 in that indictment?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you have any questions about the
14 indictment?

15 THE DEFENDANT: No.

16 THE COURT: Are you also aware of the range of
17 punishment that applies to the charges in the indictment?

18 THE DEFENDANT: Yes.

19 THE COURT: And did you discuss that with your
20 lawyer as well?

21 THE DEFENDANT: Yes, I did.

22 THE COURT: Do you have any questions regarding the
23 range of punishment?

24 THE DEFENDANT: No.

25 THE COURT: For the record then, Ms. Granger, what

1 is the range of punishment applicable here?

2 MS. GRANGER: Your Honor, the range of punishment is
3 a minimum mandatory sentence of not less than ten years, up
4 to life in prison, a fine of no more than \$10 million, or
5 both imprisonment and fine. There is also a period of
6 supervised release to be imposed that is not less than four
7 years and a \$100 special assessment fee.

8 THE COURT: Did you hear everything that Ms. Granger
9 just said?

10 THE DEFENDANT: Yes.

11 THE COURT: And is there anything she just said that
12 came as a surprise to you just now?

13 THE DEFENDANT: No.

14 THE COURT: Is anyone forcing you to plead guilty
15 today?

16 THE DEFENDANT: No.

17 THE COURT: Has anyone threatened you to make you
18 plead guilty?

19 THE DEFENDANT: No.

20 THE COURT: Has anyone promised you anything in
21 exchange for your plea of guilty?

22 THE DEFENDANT: No, no, no.

23 THE COURT: Has anybody made any threats against any
24 close friends or family members to compel you to plead guilty
25 today?

1 THE DEFENDANT: No, no, no.

2 THE COURT: Have any of your close friends or family
3 members threatened you or otherwise forced you in some way
4 into pleading guilty for some reason?

5 THE DEFENDANT: No.

6 THE COURT: Are you then pleading guilty voluntarily
7 and of your own free will because that's what you want to do
8 in this case?

9 THE DEFENDANT: Yes.

10 THE COURT: When we started this proceeding I made a
11 reference to the Guilty Plea Agreement. Page 19, the last
12 page of the Agreement, shows your name in print with a
13 signature above the printed name. Is that your signature?

14 THE DEFENDANT: Yes.

15 THE COURT: And did you review the document with
16 your lawyer before signing it?

17 THE DEFENDANT: Yes.

18 THE COURT: And as a result of that review are you
19 satisfied that you understand everything in the Plea
20 Agreement?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any questions about anything
23 in the Plea Agreement?

24 THE DEFENDANT: No.

25 THE COURT: All right. To be sure we all have the

1 same understanding, Ms. Granger, would you tell us what the
2 substance of the Plea Agreement is as it might relate to the
3 rights and obligations of the parties.

4 MS. GRANGER: Your Honor, pursuant to Rule
5 11(c)(1)(B) of the Federal Rules of Criminal Procedure, in
6 exchange for the defendant's voluntary plea of guilty to the
7 offense of conspiracy to distribute five kilograms or more of
8 cocaine as charged in Count 3 of the fourth superseding
9 indictment, the government agrees to dismiss Count 1, the
10 continuing criminal enterprise, at the time of sentencing.

11 The government further agrees that no further
12 federal prosecution will be brought into this district
13 relative to the defendant's involvement in the crimes charged
14 in the indictment of which the government is aware at this
15 time. The government agrees to waive the filing of a
16 Criminal Information seeking enhanced punishment pursuant to
17 Title 21, United States Code, Section 851.

18 Your Honor, the parties agree that the United States
19 Sentencing Guidelines apply and that either side may request
20 a sentence above or below that range.

21 With respect to the Sentencing Guidelines, Your
22 Honor, the Guideline calculations agreed to by the parties
23 are contained on page 12 of the Agreement. Specifically the
24 parties recommend that as to Count 3 of this indictment the
25 base offense level is found in Section 2D1.1. The parties

1 agree that the base offense level as to Count 3 is 38. The
2 parties agree that the quantity of a mixture or substance for
3 which the defendant is accountable including relevant conduct
4 is more than 450 kilograms of cocaine.

5 The following adjustments are also contemplated by
6 the parties, Your Honor. The parties recommend that three
7 levels be added pursuant to 3B1.1(b) as the defendant was a
8 manager or supervisor and the criminal activity involved five
9 or more participants or was otherwise extensive.

10 The parties recommend that three levels should be
11 deducted because the defendant has timely accepted
12 responsibility and notified the government of his intention
13 to plead guilty.

14 Based upon all these recommendations, the parties
15 estimate that the Total Offense Level would be 38. If the
16 defendant is a career offender, both the Base Offense Level
17 and the Criminal History Category could be changed.
18 Defendant has discussed that with his counsel. He's aware
19 that that could make him a Criminal History Category VI.

20 With respect to the appellate waivers, the parties
21 waive all rights to appeal all non-jurisdictional,
22 non-sentencing issues including but not limited to any issues
23 relating to pretrial motions, discovery in the guilty plea,
24 the constitutionality of the statute to which the defendant
25 is pleading guilty, and whether the defendant's conduct falls

1 within the scope of that statute.

2 In the event that the Court accepts the plea and
3 accepts the Sentencing Guidelines Total Offense Level agreed
4 and after determining a Sentencing Guidelines range sentences
5 the defendant within or below that range, as part of this
6 Agreement the defendant would waive all rights to appeal all
7 sentencing issues other than criminal history.

8 The government would hereby waive all rights to
9 appeal all sentencing issues other than criminal history
10 provided the Court accepts the plea, the agreed Total Offense
11 Level, and sentences the defendant within or above that
12 range. Both parties reserve the right to appeal any
13 determination of the defendant's career offender status.

14 THE INTERPRETER: Excuse me one moment. The
15 interpreter would request you go a bit slower.

16 MS. GRANGER: Both parties reserve the right to
17 appeal any determination of the defendant's career offender
18 status.

19 And, Your Honor, that would be the substance of the
20 outline of the guilty plea.

21 THE COURT: Thank you. Did you hear all that,
22 Mr. Velazquez?

23 THE DEFENDANT: Yes, yes.

24 THE COURT: And is there anything she said that
25 surprised you just now?

1 THE DEFENDANT: No.

2 THE COURT: The Court will then approve of the Plea
3 Agreement as outlined on the record.

4 Has anybody given you a promise or given you a
5 prediction regarding what your sentence from me is going to
6 be?

7 THE DEFENDANT: No.

8 THE COURT: And, again, you understand whatever it
9 is, it's entirely up to me?

10 THE DEFENDANT: Yes.

11 THE COURT: Knowing that do you still want to go
12 forward with your plea of guilty here today?

13 THE DEFENDANT: Yes, yes.

14 THE COURT: Tell us then if you would, Ms. Granger,
15 what the evidence would have been if the matter had gone to
16 trial that would establish a factual basis for the charge,
17 the relevant conduct of the defendant, and the basis upon
18 which one might conclude defendant guilty beyond a reasonable
19 doubt.

20 MS. GRANGER: Thank you, Your Honor. Between 2012
21 and 2016 investigators conducted an investigation into the
22 Velazquez/Lemons Drug Trafficking Organization for the
23 distribution of cocaine in the Eastern District of Missouri.
24 Beginning at a time prior to or during 2012 and up to and
25 including January 13th, 2016, in the Eastern District of

1 Missouri and elsewhere, the defendant, Jose Alfredo
2 Velazquez, conspired with Adrian Lemons and others to commit
3 the offense of conspiracy to distribute five kilograms or
4 more of a mixture or substance containing cocaine.

5 The defendant coordinated routine bulk shipments of
6 cocaine from Mexico to the St. Louis area. Facilitators,
7 which are Codefendants Garza and Cantu, accepted delivery of
8 those shipments. Generally the shipments were quickly placed
9 in the control and possession of Adrian Lemons and his
10 associates for distribution in the St. Louis area in the
11 Eastern District of Missouri.

12 As a general matter the defendant and others were
13 responsible for transporting the cocaine from Mexico through
14 the Rio Grande Valley to St. Louis, Missouri for
15 distribution.

16 The facilitators would then receive the bulk
17 quantities of cocaine for delivery to Adrian Lemons and
18 associates who in turn then supplied several other high-level
19 drug dealers and drug trafficking organizations operating
20 within the St. Louis area and Missouri.

21 Typical cocaine shipments were between 20 and
22 33 kilograms, however, some shipments were as large as
23 100 kilograms. Conversely, shipments of United States
24 currency delivered as part of the conspiracy as consideration
25 for the cocaine typically were hundreds of thousands of

1 dollars. Between 2012 and 2016 the defendant was responsible
2 for coordinating the delivery of numerous shipments of
3 cocaine to the St. Louis area. He was also responsible for
4 facilitating routine shipments of U.S. currency back to the
5 southern United States and Mexico.

6 With respect to specific events of the conspiracy,
7 on February 3rd, 2014, HSI was involved in an investigation
8 where they stopped a tractor trailer that contained bulk
9 quantities of cocaine that was destined for St. Louis,
10 Missouri. And they seized approximately 30 kilograms of
11 cocaine.

12 On February 6th of that year investigators then
13 conducted enforcement operations and feigned a delivery to
14 one of the members of the organization that was responsible
15 for the distribution point.

16 During the operations agents seized approximately
17 \$138,000. Subsequent to that feigned delivery of imitation
18 cocaine, investigators executed a search warrant at an
19 address on North Broadway and recovered 17 kilograms of
20 cocaine, drug paraphernalia, and a .40 caliber pistol.

21 The ensuing investigation revealed that Adrian
22 Lemons operated that location on Broadway and would routinely
23 use that location to receive bulk shipments of cocaine
24 ranging from 15 to 75 kilograms per shipment from Defendant
25 Velazquez. Velazquez would oversee the drug shipments into

1 Broadway and the shipment of money back to Mexico.

2 Thereafter they continued to use additional shipping
3 points for cocaine including but not limited to property at
4 6327 Theodosia.

5 There was a Title III wiretap investigation in this
6 case. On August 25th, 2014, a codefendant, Dwayne Rainey,
7 met with Adrian Lemons at a stash house located on Idlewild
8 in St. Louis, Missouri to receive cocaine following
9 intercepted communications between them.

10 A subsequent investigation was done where
11 investigators attempted to stop Mr. Rainey, who fled at a
12 high rate of speed. Following that intercepted
13 communications revealed contact between Mr. Rainey and
14 Mr. Lemons. Mr. Rainey threw the cocaine from his possession
15 as he fled the police.

16 A search was done of the vehicle that Mr. Rainey was
17 in and investigators located suspected drug ledgers. In
18 these ledgers the initials A.D. were labeled next to
19 suspected drug ledgers. The initials T.T. and A.D. and the
20 word "me" also appeared next to references to kilogram
21 quantities of cocaine. Investigators know that Lemons'
22 street name is A.D., and Codefendant Anthony Jordan's street
23 name is T.T.

24 On November 10th, 2014, investigators established
25 surveillance on Mr. Lemons. They intercepted a call between

1 Mr. Lemons and Demetrius O'Neal. Investigators conducted
2 surveillance of O'Neal. Later stopped Mr. O'Neal's vehicle
3 and seized 705 plus grams of cocaine.

4 In December 2014, the San Antonio division of FBI
5 developed information relative to the transportation of bulk
6 shipments of cocaine to various cities in the U.S., which
7 included shipments of cocaine to 6327 Theodosia, which is in
8 St. Louis, Missouri.

9 On February 3rd, 2015, investigators conducted
10 surveillance near McAllen, Texas and located an individual,
11 Jose Aguirre-Cavazos. He was -- officers stopped that
12 individual and discovered that he had inserted
13 20 kilograms -- individual kilograms of cocaine into the trap
14 of the tractor vehicle. That suspected cocaine was tested
15 and found to be approximately 21.9 kilograms of cocaine.

16 Thereafter, agents conducted a controlled delivery
17 of imitation cocaine to 6327 Theodosia, resulting in arrests
18 and seizures of money and drug distribution locations.

19 Within that same general time frame investigators
20 were monitoring judicially authorized Title III intercepts
21 consistent with the anticipated cocaine delivery to 6327
22 Theodosia. Investigators intercepted a conversation on
23 February 4th, 2015, where Mr. Lemons was speaking to
24 Defendant Velazquez. On February 5th of 2015, Mr. Velazquez
25 was intercepted speaking with Codefendant Lemons about the

1 20 kilograms of cocaine that was due to be delivered on
2 February 6th, 2015.

3 From that intercept Velazquez referred to that bulk
4 cocaine shipment that was seized in McAllen and destined for
5 St. Louis.

6 On February 6th, 2015, investigators in St. Louis
7 conducted a controlled delivery of imitation cocaine to 6327
8 Theodosia. Prior to the delivery Codefendants Garza and
9 Cantu dropped off \$570,245 at that address to Clarence
10 Miller. Investigators then executed a search warrant at that
11 property and seized that money.

12 Following that there was a conversation that was
13 intercepted between Mr. Velazquez and Codefendant Adrian
14 Lemons where Adrian Lemons advised Mr. Velazquez that the
15 police were at the house. There was a consent search at
16 Idlewild Avenue on February 6th, 2015. An additional
17 \$305,380 in U.S. currency was seized, bringing the total U.S.
18 currency seized on February 6th to \$875,625. Significantly,
19 during that search agents also seized additional notes which
20 constituted drug ledgers.

21 Although the amount of cocaine attributable to the
22 defendant is difficult to calculate with precision, the
23 parties are in agreement that based upon the known evidence
24 and including relevant conduct as well as the conduct of
25 codefendants reasonably foreseeable to him, the defendant is

1 accountable for at least 450 kilograms of cocaine.

2 In the event of trial expert testimony would
3 establish that that amount is consistent with an amount
4 possessed for distribution.

5 And that would be the substance of the facts, Your
6 Honor.

7 THE COURT: Thank you very much. Did you hear
8 everything that Ms. Granger just said?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And are all of those facts true and
11 correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you then agree and admit that between
14 2012 and January 13th, 2016, two or more persons reached an
15 agreement or came to an understanding to distribute a mixture
16 or substance containing a detectable amount of cocaine?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you also agree and admit that you
19 knowingly and voluntarily joined in the agreement or
20 understanding either at the time it was first reached or at
21 some later time while it was still in effect?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you likewise agree and admit that at
24 the time you joined in the agreement or understanding you
25 knew its illegal purpose?

1 THE DEFENDANT: Yes.

2 THE COURT: And, finally, do you agree and admit
3 that the amount of mixture or substance containing a
4 detectable amount of cocaine involved in the offense and
5 attributable to you by virtue of your conduct is
6 five kilograms or more?

7 THE DEFENDANT: Yes.

8 THE COURT: How do you plead to the charge?

9 THE DEFENDANT: Guilty.

10 THE COURT: Do you know of any reason, Mr. Hammer,
11 why I should not accept your client's plea of guilty?

12 MR. HAMMER: No, Your Honor.

13 THE COURT: Ms. Granger?

14 MS. GRANGER: No, Your Honor.

15 THE COURT: Let the record then reflect that the
16 Court will enter its order and judgment finding that the
17 defendant is knowingly and voluntarily entering his plea of
18 guilty, that he's knowingly and voluntarily waiving his right
19 to a trial by jury and all rights incident thereto, that the
20 defendant is also fully cognizant of the range of punishment
21 applicable to the charge. The Court therefore accepts
22 defendant's plea of guilty and enters its judgment finding
23 defendant guilty beyond a reasonable doubt.

24 A presentence investigation report will be ordered
25 and sentencing will be deferred to March 12th, 2019 at

1 1:30 in the afternoon. Anything else, Mr. Hammer?

2 MR. HAMMER: No, Your Honor.

3 THE COURT: Ms. Granger?

4 MS. GRANGER: No, Your Honor. Thank you.

5 THE COURT: That will conclude this proceeding and
6 we'll see you back on that day, Mr. Velazquez.

7 THE DEFENDANT: Thank you.

8 THE COURT: Thank you.

9 (Court in recess at 12:17 p.m.)

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C E R T I F I C A T E

I, Susan R. Moran, Registered Merit Reporter, in and for the United States District Court for the Eastern District of Missouri, do hereby certify that I was present at and reported in machine shorthand the proceedings in the above-mentioned court; and that the foregoing transcript is a true, correct, and complete transcript of my stenographic notes.

I further certify that I am not attorney for, nor employed by, nor related to any of the parties or attorneys in this action, nor financially interested in the action.

I further certify that this transcript contains pages 1 - 26 and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

IN WITNESS WHEREOF, I have hereunto set my hand at St. Louis, Missouri, this 20th day of December, 2019.

/s/ Susan R. Moran
Registered Merit Reporter